

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MacNEIL AUTOMOTIVE PRODUCTS
LIMITED d/b/a WEATHERTECH; and
MacNEIL IP LLC,

Plaintiffs,

v.

YITA, LLC d/b/a Oedro or YitaMotor,

Defendant.

C20-278 TSZ

MacNEIL AUTOMOTIVE PRODUCTS
LIMITED d/b/a WEATHERTECH; and
MacNEIL IP LLC,

Plaintiffs,

v.

JINRONG (SH) AUTOMOTIVE
ACCESSORY DEVELOPMENT CO.,
LTD.; and RUI DAI,

Defendants.

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Having reviewed the parties' Joint Status Report filed on August 12, 2024, docket no. 181, advising that plaintiffs have appealed the final written decisions of the United States Patent and Trademark Office's Patent Trial and Appeal Board ("PTAB") in

inter partes review proceedings involving two patents-in-suit in this matter, namely United States Patents Nos. 8,889,655 (“’655 Patent”) and 9,138,917 (“’917 Patent”), the Court DIRECTS that the stay of proceedings concerning plaintiffs’ claims involving the ’655 and ’917 Patents (Counts VIII and VIII¹ of the Third Amended Complaint, docket no. 144), shall remain in effect. The parties shall file a Joint Status Report within seven (7) days after the United States Court of Appeals for the Federal Circuit issues a ruling or otherwise resolves plaintiffs’ challenges to the PTAB’s decisions.

(2) Pursuant to the parties’ agreement, which is reflected in their Joint Status Report filed on August 12, 2024, docket no. 181, the stay of proceedings is hereby LIFTED as to Counts I–V² and Count VII³ of the Third Amended Complaint, docket no. 144.

(3) With respect to Counts I–V and VII, the Court hereby SETS the following dates and deadlines:

JURY TRIAL DATE (7-10 days)	October 14, 2025
Disclosure of expert testimony	October 4, 2024
Discovery motions filing deadline	January 10, 2025
Discovery completion deadline	February 28, 2025

¹ Plaintiffs’ claim relating to the ’917 Patent is the ninth count set forth in the Third Amended Complaint, but it is misnumbered as a duplicate Count VIII. *See* 3d Am. Compl. at 28–29 (docket no. 144).

² Count I alleges unfair competition under Illinois common law. 3d Am. Compl. at 14–16 (docket no. 144). Count II asserts unjust enrichment, but does not specify what law applies. *See id.* at 16–17. Count III pleads violation of a provision of the Lanham Act, namely 15 U.S.C. § 1125(a). *Id.* at 18–19. Count IV is brought under Illinois’s Uniform Deceptive Trade Practices Act. *Id.* at 19–21. Count V alleges that defendants have engaged in behavior prohibited by Illinois’s Consumer Fraud and Deceptive Business Practices Act. *Id.* at 21–22.

³ Count VII relates to United States Patent No. 8,833,834 (“’834 Patent”), with respect to which the PTAB rejected challenges to the validity of Claims 1–12; the PTAB’s decision was affirmed by the Federal Circuit. *See Yita LLC v. MacNeil IP LLC*, 69 F.4th 1356 (Fed. Cir.), *cert. denied*, 144 S. Ct. 499 (2023). The PTAB invalidated Claims 13–15 of the ’834 Patent, and that ruling was not appealed. *See id.* at 1358. Claim construction briefing has been completed with respect to the ’834 Patent, *see* docket nos. 137, 138, 141, & 143, and with the lifting of the stay imposed by Minute Order entered July 25, 2023, docket no. 154, the matter of claim construction is ripe for the Court’s consideration.

Dispositive motions filing deadline	March 28, 2025
Deadline for filing motions related to expert testimony (<i>e.g.</i> , Daubert motions)	April 4, 2025
Motions in limine filing deadline	September 5, 2025
Deadline for responses to motions in limine	September 22, 2025
Agreed pretrial order due	September 26, 2025
Trial briefs, proposed voir dire questions, and jury instructions due	September 26, 2025
Pretrial conference	October 3, 2025 at 10:00 a.m.

(4) The provisions of the Minute Order Setting Trial Date and Related Dates, docket no. 87, concerning any alteration of the case schedule and the need for counsel to be prepared to commence trial on the date set, the agreed pretrial order and the form of the exhibit list to be included therein, the numbering of trial exhibits, and immediate communication to the Court of any settlement remain in full force and effect.

(5) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 14th day of August, 2024.

Ravi Subramanian
Clerk

s/Laurie Cuaresma
Deputy Clerk